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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,179	04/09/2004	Paul D. Perry	2004P05545US	8412

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SIEMENS CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
170 WOOD AVENUE SOUTH  
ISELIN, NJ 08830

EXAMINER

SCHNEIDER, CRAIG M

ART UNIT PAPER NUMBER

3753

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/821,179	<b>Applicant(s)</b> PERRY ET AL.	
	<b>Examiner</b> Craig M. Schneider	<b>Art Unit</b> 3753	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 9-11 and 13-18 is/are rejected.
- 7) ☒ Claim(s) 6, 8, and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/9/04</u> . | 6) <input checked="" type="checkbox"/> Other: <u>attached drawing</u> .                 |

## **DETAILED ACTION**

### ***Oath/Declaration***

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:  
The specification recites U.S. application 10/821,178. This application needs to be mentioned in the Oath.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "82". Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
4. Claim 4 is objected to because of the following informalities: "portion" should be changed to --partition--. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is of the examiner's opinion that the applicant is trying to identify the first and second liquid reservoirs. The first reservoir is defined by the container (210), the first partition (214), and the second partition (216) as seen in Figure 6. The second reservoir is defined by the container and the first partition as seen in Figure 6. The second partition and the container do not by them self describe the first liquid reservoir. The container and the third partition do not define the second liquid reservoir since the third partition does not come in contact with the liquid.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-5, 7, 9-11, and 13-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Wiggins et al. (1,874,727).

Wiggins et al. disclose a housing (1 and 2)(page 2, lines 26-29) for a valve apparatus including a liquid controlling vapor flow between a canister and atmospheric conditions (page 1, lines 5-10), the housing comprising a container defining a vapor chamber portion and a vapor flow control portion, the vapor flow control portion holding the liquid and the vapor chamber portion being positioned above the vapor flow control portion in an upright arrangement of the valve apparatus, a first partition (6) projecting from the container into the liquid in the vapor flow control portion of the container, the first partition dividing the vapor chamber into first and second vapor sub-chambers, the first vapor sub-chamber being in vapor communication with the canister (page 2, lines 13-25), and the second vapor sub-chamber being in vapor communication with the atmospheric conditions, a second partition (depicted on attached drawing) projecting from the container into the first vapor sub-chamber, and a third partition (depicted on attached drawing) projecting from the container into the second vapor sub-chamber.

Regarding claim 2, the housing further comprising a first port (A) penetrating the container and providing vapor communication between the canister and the first vapor sub-chamber and a second port (depicted on attached drawing) penetrating the container and providing vapor communication between the atmospheric conditions and the second vapor sub-chamber.

Regarding claim 3, the housing wherein the first and second partitions define a first passage providing fluid communication between the first port and the first vapor sub-chamber, and the first and third partitions define a second passage providing fluid communication between the second port and the second vapor sub-chamber as seen on the attached drawing.

Regarding claim 4, the housing wherein the container and the second partition define a first liquid reservoir, and the container and the third portion define a second liquid reservoir as seen on the attached drawing.

Regarding claim 5, wherein the first and second liquid reservoirs contain the liquid in a non-upright arrangement of the valve apparatus.

Regarding claim 7, wherein the second and third partitions substantially prevent outflow of the liquid from the container in a non-upright arrangement of the valve apparatus.

Regarding claim 9, the housing wherein the first partition comprises a first cylindrical tube surrounding an axis and the container surrounds the first cylindrical tube as can be seen in Figure 1 and 2.

Regarding claim 10, the housing wherein the first port is concentric with the axis and the second port is offset from the axis as can be seen in Figure 1.

Regarding claim 11, the housing wherein the second partition comprises a second cylindrical tube extending parallel to the axis and being disposed inside the first cylindrical tube, and the third partition comprises a third cylindrical tube extending

parallel to the axis and being disposed outside the first cylindrical tube as can be seen in Figure 1.

Regarding claim 13, the housing having a semispherical shape in the vapor flow control portion as seen at the bottom of partition 6.

***Allowable Subject Matter***

9. Claims 6, 8, and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***


10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Seiler (2,929,335) discloses a liquid valve that contains a liquid seal. Tward (4,423,638) discloses differential pressure measurement device that utilizes liquid level. Robinson (4,362,130) discloses a liquid seal container for gasoline vapor. Harris (6,386,222 and 6,199,574) discloses a liquid level sensor. Mitchell (6,973,938) discloses a liquid column pressure and vacuum vent. Withrow et al. (2,575,574) disclose a low pressure and vacuum relied valve that utilizes a liquid separator.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig M. Schneider whose telephone number is (571) 272-3607. The examiner can normally be reached on M-F 8:30 -5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on (571) 272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CMS   
February 17, 2006

  
Eric Keasel  
Primary Examiner  
Art Unit 3754